

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**PREMIER CLAIMS, LLC;**

**Plaintiff,**

**vs.**

**NOLA HEALTHCARE, LLC s/b/a Wyndham  
Garden Hotel,**

**Defendant.**

**8:24CV93**

**ORDER TO SHOW CAUSE**

This matter comes before the court after review of the docket and pursuant to NECivR 41.2, which provides, “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

On March 7, 2024, Plaintiff Premier Claims, LLC filed this suit against Defendant Nola Healthcare, LLC (“Nola”). ([Filing No. 1](#)). On April 15, 2024, Plaintiff filed a summons return purporting to show Nola was served. ([Filing No. 10](#)). On May 14, 2024, the Court entered an order requiring Plaintiff to file an amended pleading to properly allege the citizenship of each member of the limited liability company parties. ([Filing No. 11](#)). Plaintiff filed an amended complaint as directed on May 31, 2024. ([Filing No. 12](#)).

On May 31, 2024, Plaintiff requested and was issued summons for: Nola Healthcare, LLC c/o Manoj Patel, Manager 3301 Bonita Beach Rd, STE 112, Bonita Springs, FL 34134. On June 11, 2024, Plaintiff filed a proof of service purporting to show Manoj Patel, Manager of Nola, was served on an unspecified date, as that line of the proof of service form was left blank. ([Filing No. 15](#)). Plaintiff attached a USPS Tracking number and history showing the mailing was “delivered, left with individual” at the address in Bonita Springs, Florida on June 10, 2024. ([Filing No. 15 at p. 2](#)). No further action has been taken in this case.

At this time, the Court is not convinced the plaintiff’s proof of service demonstrates the defendant was properly served under Fed. R. Civ. P. 4(h). The defendant has not filed a responsive pleading or otherwise appeared in this case, and the plaintiff has taken no further action. The plaintiff has a duty to prosecute its case, and may, for example, request additional time to serve the defendant, or, if it feels confident it has effectuated proper service of process in accordance with

Rule 4(h), seek default in accordance with the applicable rules or take other action as appropriate. Accordingly,

**IT IS ORDERED:** On or before **August 22, 2024**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute, or take some other appropriate action.

Dated this 1<sup>st</sup> day of August, 2024.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge